

**REMARKS/ARGUMENTS**

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claim 4 has been amended. Thus, claims 4-6 and 19-20 are pending for further examination.

Claims 4-5 and 19-20 have been rejected under 35 USC 103 as being obvious over the combination of Martin et al. (US 5,355,302) in view of Moskowitz (US 5,428,606) and Wilder (US 5,408,417). Claim 6 has been rejected as being obvious over Martin in view of in view of Moskowitz and Wilder and in further view of Kalis et. al (US 6,212,138). Applicant respectfully submits that the amended claims herein are not rendered obvious by the cited references. Thus, reconsideration and withdrawal of this rejection are respectfully requested.

Official Notice was taken in the Office Action of September 9, 2004 that it is old and well known to utilize multitask operating systems for controlling dynamic digital systems. While this statement appears to be correct in a certain sense (e.g. the Windows multitask operating system for person computers existed at the time of the invention), Applicant objects to its overly broad application. The claims pertain to audiovisual reproduction systems, and multitask operating systems were not known to such systems. Accordingly, one of ordinary skill in the art at the time of the invention would not have considered modifying a traditional audiovisual reproduction system to include a multitask operating system. Thus, while the Official Notice may be technically accurate, its application is factually inappropriate.

Applicant respectfully submits that Martin should not form the basis of a rejection of currently amended independent claim 4 because it is not directed to the claimed invention. Martin simply discloses a system for managing a plurality of computer jukeboxes. Accordingly, one of ordinary skill in the art would not be motivated by Martin to solve the problem specific to the invention defined by the claims.

Even if the application of Martin to the present application were correct, the Office Action concedes that Martin fails to disclose a questionnaire as required by currently amended independent claim 4. Moskowitz is introduced to make up for this deficiency.

Moskowitz appears to provide modular expandable units operated by publishers and subscribers in order to facilitate digital transactions (col. 2, lines 11-13 and 23-32). It also appears to teach a menu-driven means for selecting music. The Office Action asserts that such menu-driven means is displayed as a questionnaire, and that the answers are interpreted to select downloadable audiovisual records. According to Moskowitz, user actions are a selection of commands/options listed in the menu since a menu is a list of commands or options to be selected.

Applicant respectfully submits that Moskowitz' menu-driven process does not comprise a "questionnaire" as required by currently amended independent claim 4. In complete contrast, as recited in currently amended independent claim 4, the user enters answers to a questionnaire but does not select any record(s). Accordingly, the limitation of a questionnaire regarding records that are not yet available on the audiovisual

reproduction system cannot be compared to the menu-driven process in Moskowitz (col. 3, lines 24-27).

Moskowitz recites a specific solution so that subscribers can act as providers as well as consumers of data (col. 1, lines 41-44). Such a teaching does not correspond to the claimed invention. The activation of the modular expandable unit requires a series of successive operations performed by the user (Moskowitz, col. 4, lines 11-15). In contrast, the claimed solution teaches means of the multitask operating system for providing the list of records that are not available on the audiovisual reproduction system so that the user has only to answer to a questionnaire. Accordingly, the claimed solution avoids repeated movements of the operator to order new selections. The operator only chooses and validates answer(s) when the questionnaire is displayed.

Moreover, Moskowitz discloses that the user must refine the choices, by moving through a series of menus (col. 4, lines 15-18). In contrast, the claimed solution is directed to a specific procedure, which enables the displaying of audiovisual records related to the questionnaire. Accordingly, the operator directly reads questions. This feature is neither disclosed nor suggested by Moskowitz, which recites navigating in a series of menus, not providing a questionnaire.

The invention defined by the claims specifically requires memorization of answers to the questionnaire and later interpretation of those answers. The alleged combination of Martin, Moskowitz, and Wilder simply does not teach a questionnaire, much less “a procedure for interpreting answers to said questionnaire and selecting downloadable

audiovisual records, said answers corresponding to user actions on the touch screen” or “a procedure for updating a user’s choices file, said user’s choices file storing said answers and/or interpretation of said answers, said user’s choices file being updated whenever a user provides at least one answer to said questionnaire.” In the alleged combination, there is neither interpretation nor storing of such interpretations as required by currently amended independent claim 4. The invention defined by the claims is advantageous, for example, because it enables easier ordering and downloading of selections without action by the manager or the operator.

Applicant also respectfully submits that one of ordinary skill in the art would not combine the teachings of Martin and Moskowitz. The Office Action asserts that motivation comes from “the benefit of providing an intuitive interface that assists users in finding songs that are both of interest to the user and available for download.” But Martin recites a complete solution to this problem – namely, using a transmission link 15 between modem 19 of the jukebox and modem 17 of the central management system 11 (Martin, Fig. 1). Thus, one of ordinary skill in the art at the time of the invention would not have added a specific digital information commodities exchange (Moskowitz, Fig. 1) as an interface to the system of Martin. Applicant respectfully submits that such a combination can only be a result of impermissible hindsight.

Wilder was introduced to make up for Martin’s failure to disclose a touch screen user interface. Even if Wilder did disclose such a feature and even if its introduction

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were proper, the alleged combination of Martin, Moskowitz, and Martin still would not render obvious the invention defined by the claims.

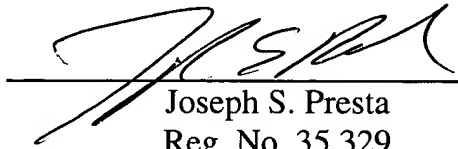
For at least the foregoing reasons, applicant respectfully submits that the alleged combination of references does not render currently amended independent claim 4 obvious. Applicant respectfully submits that claims 5- 6 and 19-20 are allowable, at least by virtue of their dependence from allowable currently amended independent claim 4.

In view of the amendments and remarks herein, Applicant believes that the amended claims herein clearly and patentably distinguish the prior art of record and are in condition for allowance. Thus, favorable reconsideration and allowance of this application are earnestly solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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